



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

June 9, 2016

Ramsey Wilde
Fetching Ridge Pet Hotel and Spa
520 Moretz Road
Boone, North Carolina 28607

Notice of Warning

Re: Violation of Title 02, N. C. Administrative Code ("NCAC") Chapter 52J, Section .0210(c).

AWS-WL-2016-15

Boarding Kennel: Fetching Ridge Pet Hotel and Spa
License No. 10879

Dear Mr. Wilde:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint against Fetching Ridge Pet Hotel and Spa ("the kennel") concerning an alleged failure to provide veterinary care for an injured dog. Based on this information AWS initiated an investigation. The investigation included a site visit, interviews with kennel staff, review of kennel records and review of veterinary medical records for the dog at issue.

The investigation revealed the following information:

- 1) At all times pertinent to this matter Fetching Ridge Pet Hotel and Spa is a boarding kennel licensed pursuant to N.C. General Statute §19A-28.
- 2) The dog named Chance boarded at the kennel from May 10-14, 2016.
- 3) Chance was injured at the kennel on May 13, 2016, suffering a broken right rear leg.
- 4) Statements from the owner and from the staff agree that the owner was called on May 13, 2016. The owner states that during this conversation, he was not given an accurate description of the severity of the injury. He was given the impression that Chance was limping and therefore he said he would take the dog to the veterinary clinic when he picked up the dog.

- 5) The owner took Chance to the veterinary clinic on May 14, 2016. The veterinary medical examination and records documented a displaced, comminuted proximal right femoral fracture. Chance was euthanized due to the injury.
- 6) A review of the kennel records revealed an intake form signed by the owner of the dog which contains the following language:
"If pet(s) becomes ill or if the state of the animal's health otherwise requires professional attention, the Kennel, in its sole discretion, may engage the services of a veterinarians (Dr. Roten, located at 1582 Old 421 South), and the expenses thereof shall be paid by the Owner."
- 7) A review of the application submitted by the kennel to AWS for the 2015 boarding kennel license renewal shows that under Section 6) Emergency Veterinary Care, the kennel stated:
"If an animal is in need of immediate emergency veterinary care, it will be stableized (sic) to the best of our ability, and taken to the nearest available veterinarian office."

Based on the results of this complaint investigation, the shelter may have violated 02 NCAC Chapter 52J Section .0210(c).

In regard to NCAC 52J .0210(c), AWS acknowledges that the kennel contacted the owner, but the end result of the kennel staff's actions and failure to act is that Chance, after suffering a completely fractured rear leg, was not provided adequate veterinary care by the kennel. In addition, the actions and failure to act by the kennel staff resulted in the delay of the provision of veterinary care for more than 24 hours. AWS directs the kennel to develop and implement appropriate procedures and subsequent training of the staff in these procedures so that, in the future, if or when an animal suffers a significant injury or illness, the animal is provided with adequate veterinary care in a timely fashion.

This Warning Letter and Notice of Deficiency serves as written warning that continued or future violation of the N. C. Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's license pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

Enclosure

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65; 1989, c. 544, s. 18; 2011-145, s. 31.5(b).)

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.